

Message Text

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ACTION IO-14

INFO OCT-01 ISO-00 AF-10 ARA-14 EA-09 EUR-12 NEA-10

L-03 SS-15 SP-02 NSC-05 CIAE-00 INR-07 NSAE-00

H-02 MCT-01 PA-02 PRS-01 USIA-15 /123 W

-----088198 270237Z /66

R 262322Z JUL 77

FM USMISSION USUN NY

TO SECSTATE WASHDC 4631

UNCLAS USUN 2377

E.O. 11652: N/A

TAGS: PFOR, UN, GW

SUBJ: FRG HOSTAGES CONVENTION ITEM

USUN 2294

1. SOME TEN FRIENDLY DELEGATIONS FROM WEO, LA AND ASIA MET AT FRG MISSION 26 JULY TO DISCUSS PROSPECTS OF THE 1-19 AUGUST SESSION OF THE NEW AD HOC COMITE ON THE CONVENTION AGAINST THE TAKING OF HOSTAGES. TONE OF MEETING WAS SET BY FRG WHICH STATED BONN'S BELIEF THAT A REASONABLE GOAL FOR THIS INITIAL SESSION WOULD BE A CAREFUL FIRST READING OF THE DRAFT CONVENTION. THERE WAS GENERAL AGREEMENT THAT SUFFICIENT TIME MUST BE ALLOWED FOR GENERAL DEBATE IF OTHER MEMBERS ARE NOT TO BE FREIGHTENED INTO UNREASONING OPPOSITION. MISOFF NOTED POSSIBLE RELEVANCE OF OUTER SPACE COMITE AND SSOD PREPCOM TECHNIQUE WHICH ALLOWS ANY MEMBER TO MAKE A GENERAL DEBATE STATEMENT WHENEVER IT WISHES; A CONFIDENCE-BUILDING GUARANTEE OF THIS SORT MIGHT ALLOW THE CHAIR DURING THE SECOND WEEK TO TURN TO TREATY PROPOSALS AT ANY SITTING WHEN SPEAKERS IN THE GENERAL DEBATE HAVE BEEN EXHAUSTED. IN THIS CONNECTION, FRG ANNOUNCED THAT BONN'S REVISED DRAFT CONVENTION WILL BE CIRCULATED UNDER SINGLE FRG SPONSORSHIP WHEN THE SESSION BEGINS 1 AUGUST. FRG MINISTER RENDERMANN EXPLAINED THAT BECAUSE

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SUITABLE AFRICAN CO-SPONSORSHIP HAS NOT PROVEN POSSIBLE, THE FRG DECIDED (WISELY, WE BELIEVE) THAT BEST COURSE WOULD BE FOR FRG ALONE TO SPONSOR. GERMANS ASKED FOR HELP OF PARTICIPANTS IN CONVINCING OTHER COMITE MEMBERS THAT THE FRG TEXT SHOULD BE TAKEN AS A BASIS FOR THE COMITE'S WORK.

2. THE DISCUSSION REVEALED THE POTENTIAL DIFFICULTIES LYING IN THE WAY OF THE COMITE'S SETTling DOWN PROMPTLY TO WORK ON THIS BASIS. THE EE'S HAVE YET TO DECIDE ON WHO WILL BE THE THIRD AND FOURTH EE MEMBERS OF THE COMITE; SMUN HAD TREATED THIS AS OF LITTLE IMPORTANCE IN RECENT DISCUSSIONS WITH THE FRG MISSION, BUT THE LATTER IS CONCERNED BY THE POSSIBILITIES OF DELAY INHERENT IN THE COMITE'S HAVING TWO MEMBERS LESS THAN THE GA-MANDATED THIRTY-FIVE.

3. THE NEED FOR A STRONG AND SOPHISTICATED CHAIRMAN IS A MORE SERIOUS PROBLEM. THE FRG SEEMS TO HAVE BEEN INATTENTIVE TO THIS PROBLEM. AMB CONSALVI OF VENEZUELA HAS RETURNED TO CARACAS TO BECOME FOREIGN MINISTER, AND THERE IS APPARENTLY NO INTEREST IN THE VENEZUELAN OR MEXICAN MISSIONS IN PRODUCING ANOTHER CANDIDATE. TO THE SURPRISE OF THE PARTICIPANTS IN THE MEETING AT THE FRG MISSION, NICARAGUAN MINISTER ALVARADO CORREA ANNOUNCED HIS CANDIDACY FOR THE CHAIRMANSHIP, ASSERTING HE HAS THE SUPPORT OF THE SPANISH- SPEAKING LA MEMBERS OF THE COMITE (MEXICO, VENEZUELA, CHILE AND NICARAGUA; THE OTHER LA MEMBERS ARE SURINAM AND T & T). THERE WAS NO COMMENT ON ALVARADO UNTIL AFTER THE MEETING WHEN A NUMBER OF KEY WEO DELEGATIONS NOTED QUESTIONS AS TO DESIRABILITY OF NICARAGUA AS CHAIRMAN AND ALVARADO'S RELATIVE YOUTH AND INEX- UNCLASSIFIED

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PERIENCE (FIRST SEVEN MEMBERS OF NICARAGUAN MISSION BEAR TITLE OF AMBASSADOR OR MINISTER, AN ESCALATION LONG NOTED LOCALLY). IRAN (BAVAND) TOLD THE MEETING OF IRAN'S INTEREST IN ONE OF THE THREE VICE-CHAIRMANSHIPS. THE FRG BELIEF, LATER CONCURRED IN BY OTHER PRINCIPAL WEO'S, IS THAT THE ONLY WEO WHO WOULD USEFULLY SEEK ELECTION AS CHAIRMAN IS SWEDEN. AND THERE IS NO WILLINGNESS ON THE PART OF SWEDEN TO DO SO. UKUN LEGAL ADVISER FIFOOT WAS ASKED TO MAKE SOME BILATERAL CONTACTS ON BUREAU QUESTIONS BEFORE THE PARTICIPANTS MEET AGAIN 29 JULY.

4. RANDERMANN REPORTED ON A NUMBER OF FRG CONTACTS IN CAPITALS. USSR ATTITUDE WOULD PLAINLY DEPEND UPON STANCE EVENTUALLY ADOPTED BY ARAB MEMBERS OF THE COMITE, ESPECIALLY ALGERIA, KENYA AND EGYPT. WITHIN THAT CONTEXT MOSCOW WANTED ANY TREATY TO STRESS THE PRINCIPLE THAT HOSTAGE-TAKERS SHOULD BE EXTRADITED TO THE COUNTRY WHERE THE TAKING TOOK PLACE (AS OPPOSED TO THE BALANCED ALTERNATIVE OBLIGATION TO PROSECUTE OR EXTRADITE CONTAINED IN THE HAGUE AND DIPLOMATIC PROTECTION CONVENTIONS). THE YUGOSLAV REACTION HAD BEEN NOT UNFAVORABLE. IRAN HAD PROMISED FULL SUPPORT. THE GENERAL ARAB REACTION

WAS THAT THE FRG SEEMED TO BE PUSHING THE PACE OF WORK TOO HARD AND THAT CONDITIONAL WERE NOT RIPE FOR COMPLETING WORK IN A SINGLE 1977 SESSION. LOCALLY, THE FRG MISSION HAD HAD A TALK WITH ALGERIAN MINISTER BOUAYAD-AGHA (INFLUENTIAL AND UNHELPFUL ALGERIAN REP TO THE TERRORISM COMITE). HE HAD SEEMED FORTH-COMING IN SAYING THAT ALGERIA COULD ACCEPT THE FRG TEXT AS THE BASIS FOR DISCUSSIONS IN THE COMITE BUT THAT POLITICAL CONDITIONS WOULD NOT FAVOR COMPLETING THE WORK AT THIS TIME. BOUAYAD-AGHA HAD EXPRESSED CONCERN OVER THE TREATMENT OF INTER-NATIONAL-LIBERATION MOVEMENT HOSTAGE-TAKING UNDER THE GERMAN DRAFT (RHODESIAN SITUATION).

5. COMITE SECRETARY WILL BE MALIK (LONG-TIME MEMBER
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OF UN LEGAL OFFICE; LEBANESE). SECRETARIAT BACKGROUND PAPER COLLECTING RECENT TREATY TEXTS (SEE USUN 2273) WAS DESCRIBED BY MALIK TO RANDERMANN AS BEING SLENDER BECAUSE OF ELEMENTS IN SECRETARIAT WHICH HAD INSISTED THAT AN EXHAUSTIVE STUDY WOULD HAVE TO INCLUDE TEXTS DEALING WITH SELF-DETERMINATION AND NATIONAL LIBERATION MOVEMENTS. MALIK HAD THUS (SENSIBLY) PRODUCED A SHORTER DOCUMENT WHICH USEFULLY REPRODUCES THE KEYSTONE 1970 HAGUE ANTI-HIJACKING CONVENTION, THE ANTI-HOSTAGE PROVISION OF THE 1949 GENEVA RED CROSS CONVENTIONS, THE 1974 DIPLOMATIC PROTECTION CONVENTION, ETC.

6. DISCUSSION TOUCHED ON SUBSTANCE OF REVISED FRG TEXT AT ONLY ONE POINT. FRANCE (SCALABRE) REPORTED THREE QUAI COMMENTS: (A) THE CONVENTION SHOULD CONTAIN AN ARTICLE CALLING FOR LESSER PENALTIES IF HOSTAGES ARE VOLUNTARILY FREED; (B) ART. 7 OF THE 1977 EUROPEAN ANTI-TERRORISM CONVENTION IS PREFERABLE TO ARTICLE 7 OF THE FRG DRAFT IN SETTING FORTH THE BASIC OBLIGATION TO EXTRADITE OR SUBMIT THE CASE TO COMPETENT AUTHORITIES FOR PROSECUTION; (C) AFRICAN AND ARAB CONCERNS WOULD BE LESSENED IF THE EXCEPTIONS SET OUT IN ART. 10 MADE CLEAR THAT PUBLIC (INTERGOVERNMENTAL) ORGANIZATIONS AND CONFERENCES ARE THE OBJECT OF THE EXCEPTION TO THE EXCEPTION.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AGREEMENTS, HOSTAGES, MEETING DELEGATIONS, DIPLOMATIC DISCUSSIONS
Control Number: n/a
Copy: SINGLE
Sent Date: 26-Jul-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
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Disposition Event:
Disposition History: n/a
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Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770267-0182
Format: TEL
From: USUN NEW YORK
Handling Restrictions: n/a
Image Path:
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Legacy Key: link1977/newtext/t19770716/aaaaanwx.tel
Line Count: 162
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: e9118663-c288-dd11-92da-001cc4696bcc
Office: ACTION IO
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
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Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1741371
Secure: OPEN
Status: NATIVE
Subject: FRG HOSTAGES CONVENTION ITEM USUN 2294
TAGS: PFOR, PDIP, GE, UN
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/e9118663-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009